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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,282	03/25/2002	Frank Hofmann	1941	9040

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

05/29/2009

EXAMINER

WOZNIAK, JAMES S

ART UNIT	PAPER NUMBER
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2626

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05/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/030,282	HOFMANN ET AL.	
Examiner	Art Unit	
JAMES S. WOZNIAK	2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 21 August 2008 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The amendment to claim 2 which places the step of "incorporating a signaling" in proper order in the claim and overcomes the objection directed to minor informalities of this ordering of claim 2 has been entered. As the claim was previously interpreted for transmitter-end signaling incorporation ("inserted in each audio bit stream", OA from 5/19/2008, Page 8), the previous grounds of rejection would stand.

/James S. Wozniak/
Primary Examiner, Art Unit 2626